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NOTE AND COMMENT.

DEATH OF GUSTAV STEIN.—Mr. Gustav Stein, one of the members of the first Board of Editorial Assistants of this Review, and later an instructor in this Law School, died in Denver on November 15th. As a student of marked ability and thoroughness, Mr. Stein made a record while in the Law School which resulted in his appointment to an instructorship a year after his graduation. As a member of the teaching staff, his record was a brilliant fulfillment of his earlier promise, and he had, during his second year of teaching, been already promoted to the rank of assistant professor, when his strength proved unequal to the task imposed by his ambition and industry, and he was ordered west in the hope that his health might be benefited. His brave and cheerful struggle for renewed health and strength has now ended; the news of his death will be heard with sorrow by his associates in the Law School, who knew and valued his fine character and ability.

"UNENFORCIBLE TRUSTS" MADE ENFORCIBLE BY STATUTE.—Since the article on "Unenforcible Trusts and the Rule Against Perpetuities" which appeared in the November number of this Review (10 MICH. L. REV. 31) was written,

a case has been decided by the Michigan Supreme Court, and a statute has been passed by the Michigan legislature, which bear upon part of the discussion in the article. In *Lounsbury, Administrator* v. *Trustees of Square Lake Burial Association,* 129 N. W. 36, one Noah Tyler had made the following bequest: "I give and bequeath the sum of one hundred dollars to the Trustees of the Square Lake Cemetery in the Town of Orion, Oakland County and State of Michigan, as a perpetual fund to be kept at interest by said Trustees and the interest used to take care of the graves on my lot in said cemetery and keep the said lot in order." The court held that the provision was void because in violation of the statute against perpetuities. It was apparently in order to destroy the effect of this decision that the Michigan legislature later amended the Charities Act of 1907 so as to make such a bequest as the one in the Lounsbury case valid and enforcible. The Michigan statute thus amended now reads as follows: "No gift, grant, bequest or devise to religious, educational, charitable or benevolent uses, *or for the purpose of providing for the care or maintenance of any part of any cemetery, public or private, or anything therein contained,* which shall in other respects be valid under the laws of this State, shall be invalid by reason of the indefiniteness or uncertainty of the persons designated as the beneficiaries thereunder in the instrument creating the same, nor by reason of the same contravening any statute or rule against perpetuities."

The words placed in italics above show the addition made by the 1911 amendment. G. L. C.

WHAT BECOMES OF THE REAL PROPERTY OF AN ELEEMOSYNARY CORPORATION UPON ITS DISSOLUTION?—The South Carolina Supreme Court recently has been called upon to decide the question of the reversion of real property in the event of corporate dissolution. The case, *McAlhany* v. *Murray et al.,* 71 S. E. 1025, was between the representatives of certain persons who were members of an association known as the "Sons of Temperance" at the time its charter expired, and the heirs of one who had conveyed a lot of land to the association. The purpose of the association was admitted to be "the promotion of temperance by corporate organization." The heirs resisted the claims of these representatives to the land in question, on the ground that, by reason of the dissolution of the corporation some years previous, the land had reverted to the heirs of the grantor. The court held that the representatives were entitled to the property to the exclusion of the heirs.

The case presents difficulties, both because of the confusing nature of the court's opinion, and because of the lack of clearly defined and well ordered adjudication of the questions involved. Throughout his opinion, WOODS, J., suffers from an evident lack of clearness, both in the matter of classification of the corporation in the suit, and in the matter of definition of the moving grounds of his decision. In his statement of the case, and in his citations of rules and cases, he throughout fails to distinguish between charitable corporations and corporations for the benefit of their members; he flatly denies material differences between business and eleemosynary corporations, as far as